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Attorney Docket No. S-12

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Application No.: 10/656,597

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#### CERTIFICATION OF FACSIMILE TRANSMISSION

In connection with U.S. Patent Application of **David C. Hovda et al.**, Application No. 10/656,597, I hereby certify that the following **Response to Restriction Requirement** is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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A handwritten signature in black ink, appearing to read "Michelle Nicely".  
\_\_\_\_\_  
Michelle Nicely

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Michelle Nicely

PATENT

Attorney Docket No.: S-12

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: David C. Hovda.

Application No.: 10/656,597

Filed: September 5, 2003

Title: METHOD AND APPARATUS FOR  
TREATING INTERVERTEBRAL  
DISCS

Examiner: Rosiland Rollins

Art Unit: 3739

REPLY TO OFFICE ACTION MAILED 01/12//06

Commissioner for Patents  
P.O. Box RCE  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed January 12, 2006 that set a one-month period for a reply, the Applicants hereby elects Claims 27-45 for examination, as set forth herein.